

REMARKS

This is in response to the Office Action dated November 16, 2007. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claim 1 has been amended. Thus, claims 1 and 3-9 are currently pending in the present application.

On pages 2-3 of the Office Action, the claims are rejected over the prior art. In particular, claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inamura et al. (U.S. Patent No. 5,097,652) in view of Jones (U.S. 5,468,080) and further in view of Zelnick et al. (U.S. Patent No. 3,191,356). This rejection is respectfully traversed.

The present invention, as embodied by amended independent claim 1, requires, *inter alia*:

in the middle of a conveyance path from the print means to the seal means, there are provided moving means which comes into contact with the packing sheet and descends and ascends along a linear path so that the tension of the packing sheet is held at a constant value, and position detecting means which detects a descending position of the moving means;

wherein the moving means comprises a roller, which is rotatable and movable, and urging means for urging the packing sheet with a constant force to eliminate slack in the packing sheet

wherein the printing means is operable in response to a detection of the descending position by the position detecting means during conveyance of the packing sheet by the conveyance portion.

In the rejection, the Examiner acknowledges that Inamura does not disclose the claimed position detector or the tension control mechanism for holding the packing sheet at a constant value.

However, the Examiner takes the position that Jones teaches that “*it is old and well known in the art of packaging to provide moving and urging means (generally indicated by arm 18), which comes into contact with the packing web “F” and position detecting means 20, functioning as a sensor, which determines the location of the moving means and the web tension for the purpose of*

providing and maintaining proper tension on a web of material (See figure 1 and col. 3, lines 39 – col. 4, line 19)."

The Examiner then applies Zelnick to teach that is known to provide a tension mechanism "comprised of ascending and descending mechanism 62, which is biased by spring 50a for the purpose of maintaining a desired tension in a film web (See Fig. 1)."

The Examiner then concludes that it would have been obvious to modify Inamura with the "positional and tensional means as taught by Jones and the linear moving means as taught by Zelnick for the purpose of providing and maintaining proper tension on a web of material."

Initially, with respect to claim 1, there is no indication that operation of the Inamura printing means is in response to the detection of a predetermined position. In order to meet the above-identified limitations of claim 1, the proposed combination of the prior art teachings would have to at least be capable of operating in the manner described in the last paragraph of claim 1. However, there is no indication on the present record that that is the case. Thus, it is submitted that the Inamura/Jones/Zelnick combination does not meet each and every limitation of claim 1.

The Jones reference discloses a poly bag printer including an assembly D including a pivotal arm 18 and a pair of position switches 20a, 20b for turning the drive motor on and off. However, operation of the Zelnick printer A is not in response to detection of the position of the pivotal arm 18 by the position switches during conveyance of the packing sheet by the conveyance portion, and thus, the Inamura/Jones combination does not meet the limitations of claim 1.

Zelnick teaches discloses a compression spring that moves a roller to maintain a predetermined tension in a web of material. It is unclear how the Zelnick compression spring would

be applied in the Jones dancer roller assembly D, which includes pivotal arm 18. Should the Examiner maintain the rejection, then the Examiner is requested to explain how the teachings of Zelnick could be employed in the environment of Jones.

Applicants note the Examiner's suggestion that the claims be defined in terms of the disclosed structure rather than function. Note that there is nothing objectionable with describing an invention in terms of function. In fact, the statute specifically sanctions claiming an invention by function (see 35 U.S.C. 112, sixth paragraph). In this case, the print means is presented in terms of a limitation that must be construed in accordance with the sixth paragraph of 35 U.S.C. § 112. In order for a prior art apparatus to meet this limitation, it must perform the identical function with the same structure disclosed in the present specification or an equivalent thereof. The Examiner has not explained how this limitation, which must be construed under the sixth paragraph of 112, is met by the applied prior art references.

Further, with regard to the Examiner's suggestion of defining apparatus in terms of structure rather than function, please note that claim 6 and dependent claims 7-9 already recite the present invention in a structural format. The Examiner is respectfully requested to identify the particular structure in the prior art references that reads on the specific limitations of independent claim 6. Furthermore, it is submitted that the Inamura/Jones/Zelnick combination does not meet the limitations of claims 3, 4, 7 and 9. For example, even if the references could be combined as proposed by the Examiner, there is no structure in the applied references that reads on the claimed guide rail or table. Furthermore, it is noted that the Examiner refers to rollers 24, 26 of Jones even though Zelnick has been applied to teach the particular tension mechanism. Thus, it would appear

that the references, as combined in the previous Office Action, do not meet the limitations of at least claims 6-9.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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